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8 **UNITED STATES DISTRICT COURT**  
9 **EASTERN DISTRICT OF CALIFORNIA**  
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11 TREMAINE CARROLL,

12 Plaintiff,

13 v.

14 CDCR, *et al.*,

15 Defendants.  
16

No. 1:22-cv-00363-JLT-BAM (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS REGARDING  
DISMISSAL OF ACTION FOR FAILURE TO  
PROSECUTE

(Doc. 24)

17 Tremaine Carroll is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil  
18 rights action pursuant to 42 U.S.C. § 1983. This action was referred to a United States Magistrate  
19 Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

20 The assigned magistrate judge screened the first amended complaint and directed Plaintiff  
21 to either file a second amended complaint or notify the Court of her willingness to proceed on the  
22 cognizable claims identified by the Court. (Doc. 17.) Following two extensions of time, the  
23 deadline for Plaintiff to file an amended complaint or a notice of her willingness to proceed on the  
24 cognizable claims identified expired, and Plaintiff failed to respond to the Court's orders.

25 Therefore, the Magistrate Judge issued findings and recommendations recommending  
26 dismissal of this action without prejudice for failure to obey a Court order and failure to  
27 prosecute. (Doc. 24.) The Court served the findings and recommendations on Plaintiff and  
28 notified him that any objections were to be filed within fourteen days after service. (*Id.* at 3–4.)

1 Plaintiff requested a 90-day extension of time and appointment of counsel. (Docs. 25, 26.) The  
2 magistrate judge granted that request in part, affording Plaintiff an additional 30 days to object to  
3 the findings and recommendations but denied the request for counsel. (Doc. 27.) Plaintiff did not  
4 file objections within the allotted timeframe, and the deadline to do so has now passed.

5 According to 28 U.S.C. § 636 (b)(1)(C), this Court has conducted a *de novo* review of the  
6 case. Having carefully reviewed the entire file, the Court concludes that the magistrate judge's  
7 findings and recommendations are supported by the record and by proper analysis. Thus, the

8 Court **ORDERS**:

- 9 1. The findings and recommendations issued on June 21, 2023, (Doc. 24), are  
10 **ADOPTED IN FULL.**  
11 2. This action is **DISMISSED**, without prejudice, due to Plaintiff's failure to obey  
12 Court orders and failure to prosecute.  
13 3. The Clerk of the Court is directed to close this case.

14  
15 IT IS SO ORDERED.

16 Dated: **August 29, 2023**

  
UNITED STATES DISTRICT JUDGE